

*Bruce T. Beesley*

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
October 09, 2013

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WILLIAM A. VAN METER, TRUSTEE  
Nevada State Bar No. 2803  
P.O. Box 6630  
Reno, Nevada 89513  
Telephone: (775) 324-2500  
[Katie@reno13.com](mailto:Katie@reno13.com)

Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In Re: CASE NO. BK-N 10-50742-GWZ

KIMBERLY R. DAVIS-CLEMENT  
BRICE (DECEASED) R. CLEMENT,

Chapter 13

Debtors.

**ORDER CONFIRMING CHAPTER 13 MODIFIED  
PLAN**

Hearing Date: September 27, 2013

/ Hearing Time: 2:00 p.m.

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Having considered the Debtors' motion to modify the confirmed Chapter 13 plan in this case, and having reviewed and considered any arguments and comments of counsel and for good cause appearing;

**IT IS ORDERED**, that the proposed Modification is approved as amended by this Order.

**IT IS FURTHER ORDERED** that in addition to funds paid to the Trustee as of September 2013 in the amount of \$13,230.00, the Debtors' plan payments shall decrease from \$735.00 per month to \$285.00 per month beginning with the October 2013 payment, then increase to \$415 beginning with the March 2014 payment for a base amount of \$20,050.00.

**IT IS FURTHER ORDERED**, that additional debtor attorneys fees in the amount of \$300.00 for work performed in connection with this motion are approved and shall be paid by the Trustee as an administrative expense.

**IT IS FURTHER ORDERED** The Debtors are surrendering their interest in the property that secures the claim held by Wells Fargo Home Mortgage for property located at 65 Oregon Blvd, Reno, NV. The automatic stay shall be terminated to allow the creditor to exercise its state law and contractual rights regarding its collateral. The Trustee shall make no distributions to the secured portion of the claim and to the extent the creditor determines that its secured claim is not fully satisfied from the liquidation of its collateral, it may amended its proof of claim as it deems appropriate. In the event an amended claim is filed the creditor shall be paid pro rata with all other general unsecured claims.

**IT IS FURTHER ORDERED** that the Debtors have surrendered the 2006 Harley Davidson secured by Freedom Road Financial through the Modified Plan. In the event that the creditor determines that its secured claim is not fully satisfied from the liquidation of its collateral, it may amend its proof of claim as it deems appropriate. In the event an amended claim is filed the creditor shall be paid pro rata with all other general unsecured claims.

**IT IS FURTHER ORDERED** that the Debtors have surrendered the 2004 Sportsman 5<sup>th</sup> Wheel Trailer secured by Clearstar Financial Credit through the Modified Plan. No proof of claim has been filed by said creditor.

Prepared by:

CHAPTER 13 TRUSTEE

/S/ WILLIAM A. VAN METER  
William A. Van Meter, Esq.

Approved by:

/S/ SEAN PATTERSON  
SEAN P. PATTERSON, ESQ.  
Attorney for Debtors

ALTERNATIVE METHODS re: RULE 9021:

In accordance with L.R. 9021, the undersigned certifies:

\_\_\_\_\_ The court waived the requirements set forth in L.R. 9021.

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

X\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order as indicated above, or waived their right to approve the order, or failed to respond, as indicated below:

SEAN P. PATTERSON, ESQ. \_\_\_\_\_X\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_Failed to Respond

X\_\_\_\_\_ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

**Dated:** October 9, 2013

/S/ Katie Christ  
Katie Christ  
Paralegal to William A. Van Meter, Trustee  
P.O. Box 6630  
Reno, NV 89509

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